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8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN FRANCISCO DIVISION  
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12 UNITED STATES OF AMERICA,  
13 Plaintiff,  
14 vs.  
15 CHARLES CATHCART, et al.,  
16 Defendants.

Case No. C-07-4762-PJH

**[PROPOSED] ORDER GRANTING  
DEFENDANT ROBERT J. NAGY'S  
MOTION TO SEVER ALL CLAIMS  
AND TRANSFER VENUE PURSUANT  
TO 28 U.S.C. 1404(a)**

Date: June 25, 2008  
Time: 9:00 A.M.  
Dept.: Room 3, 17<sup>th</sup> Floor

Trial Date: March 23, 2009

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20 Before the Court is the Motion of Defendant ROBERT J. NAGY to Sever All  
21 Claims and Transfer Venue Pursuant to 28 U.S.C. 1404(a) to the District of South  
22 Carolina. This Motion was heard on \_\_\_\_\_ by the Court.

23 Section 1404(a) of Title 28, United State Code grants the Court broad discretion to  
24 transfer a case to another judicial district based on considerations of convenience and  
25 fairness. *Van Dusen v. Barrack*, 376 U.S. 612, 622 (1964). Transfer is appropriate where  
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1 it serves the convenience of the parties and witnesses, is in the interest of justice, and is to  
2 a district where the case might have been brought. 28 U.S.C. 1404(a). Rule 21 of the  
3 Federal Rules of Civil Procedure provides that the Court may sever any claims against any  
4 party. Severance is appropriate where it is in the interest of justice or fosters the prompt  
5 and efficient handling of litigation.

6 Having read the Motion, the Points and Authorities, and the Declarations, and  
7 having heard argument of Counsel, the Court finds that the case against Mr. Nagy might  
8 have been brought in the District of South Carolina pursuant to 28 U.S.C. 1391(b)(2)  
9 because a substantial part of the events or omissions giving rise to the claim occurred in  
10 South Carolina. The Court further finds that transfer to South Carolina will serve the  
11 convenience of the parties and witnesses and is in the interest of justice. Finally, the Court  
12 also finds that severance of all claims against Mr. Nagy is appropriate to effectuate transfer  
13 pursuant to 28 U.S.C. 1404(a).

14 Accordingly, the Motion is GRANTED.

15 IT IS SO ORDERED.

16 DATED: \_\_\_\_\_

\_\_\_\_\_  
Hon. Phyllis J. Hamilton  
United States District Judge